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**OFFICE OF PETITIONS  
A/C PATENTS**

In re Application of :  
Matthew K. Barrow : DECISION DISMISSING  
Application No. 09/747,907 : PETITION  
Filed: 22 December, 2000 :  
Att'y Docket No. SPRINT 1505 :  
:

This is a decision on the petition filed on 15 March, 2001, requesting that the above-identified application, including two (2) sheets of drawings containing Figures 1 and 2, be accorded a filing date of 22 December, 2000.

On 22 December, 2000, the application was filed.

On 9 February, 2001, Initial Patent Examination Division mailed a "Notice to File Corrected Application Papers" stating, *inter alia*, the application had been accorded a filing date, however, Figure 2 described in the specification appeared to have been omitted.

In response, on 15 March, 2001, the present petition and one (1) sheet of drawings containing Figure 2 were filed. Petitioner argues that the one (1) sheet of the drawings containing Figure 2 was filed with the other application papers on 22 December, 2000, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied on 15 March, 2001. The postcard receipt shows an Office date stamp of 22 December, 2000, and acknowledges receipt of two (2) sheets of informal drawings. Petitioner request that the application, including two (2) sheets of drawings, be accorded a filing date of 22 December, 2000.

A review of the record reveals that two (2) sheets of drawings are located among the application papers deposited on 22 December, 2000. However, the two (2) sheets of drawings include two (2) copies of page 1 and no copy of page 2. As such,

petitioner did indeed file two (2) sheets of drawings, albeit not the two (2) sheets of drawings petitioner may have intended to file. Furthermore, the postcard receipt does not itemize the figures contained on the sheets of drawings. Therefore, the postcard receipt cannot serve as evidence that Figure 2 was filed with the original application papers.

Accordingly, the petition is dismissed. The Notice will not be withdrawn.

A request for reconsideration (no further petition fee is required) must be filed within **TWO MONTHS** of the date of this decision in order to be considered timely.<sup>1</sup> **This two month period is not extendable under 37 CFR 1.136(a).** If a timely petition is not filed, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and the original disclosure will include only those papers present in the PTO on the date of deposit.

Further correspondence with respect to this matter should be addressed as follows:

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The application is being returned to Initial Patent Examination Division for further processing with a filing date of 22 December, 2000, using the application papers filed on 22 December, 2000, and for an indication on the data sheet that one (1) sheet of drawings was present on filing.

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<sup>1</sup>37 CFR 1.181(f).

Telephone inquiries should be directed to Petitions Attorney  
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